

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CASEY D. BECK,

Plaintiff,

vs.

**CAROLYN W. COLVIN, Commissioner
of Social Security;**

Defendant.

4:15CV3032

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Application for Attorney Fees Under the Equal Access to Justice Act (“Motion”) (Filing No. 29) submitted by Plaintiff Casey D. Beck (“Plaintiff”). The Motion is pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”) and seeks attorney’s fees in the amount of \$4,776.91. The Court has reviewed the record and determined that the requirements of the EAJA for an award of attorney’s fees are satisfied. Defendant Carolyn Colvin (“Defendant”) does not object to the request. (See Filing No. 32.) Defendant does note, however, that the holding in *Astrue v. Ratliff*, 560 U.S. 586 (2010), provides that an EAJA fee award is payable to the litigant and therefore subject to a government offset to satisfy any pre-existing debt owed to the federal government. Once the Court awards the EAJA fee to Plaintiff, the Assistant United States Attorney shall verify whether Plaintiff owes a debt to the United States that is subject to offset. Assuming no debt is owed, the fee will be made payable to Plaintiff and sent to the address of Plaintiff’s counsel. The Court will grant the motion, and the fee will be awarded to Plaintiff under the procedure followed in *Ratliff* and its progeny. Accordingly,

IT IS ORDERED:

1. Plaintiff Casey D. Beck's Application for Attorney Fees Under the Equal Justice Act (Filing No. 29) is granted;
2. Attorney's fees in the amount of \$4,776.91 are payable to the Plaintiff; and
3. Defendant Carolyn Colvin will submit to Plaintiff's counsel of record a check made payable to Plaintiff in the amount of \$4,776.91, less any debt owed by Plaintiff to the United States offset against such fees.

Dated this 5th day of February, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge